

Special Award Conditions

Award Number:

NT10BIX5570132

Amendment Number:

1

1) Environmental Assessment SAC- Continuing Compliance with Environmental Protocols and Measures

Special Award Condition

Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Grant

ENMR Plateau, Telecommunications Round II Broadband Project

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the ENMR Plateau, Telecommunications Round II Broadband Project. The funding of the Grant is dependent on compliance with the provisions of this Special Award Condition.

Post-award environmental reviews of the Project included consultation with regulatory agencies related to the protection of biological and historic and cultural resources. These consultations identified specific protocols or environmental protection measures. These protocols or protective measures may be either required or recommended to be included in the implementation of the Project to minimize potential impacts to biological resources and effects on historic and cultural resources. The protocols and measures are listed below.

Note that this Special Award Condition does not distinguish requirements identified during the consultations from recommendations that were also provided. ENMR shall implement the identified protocols and measures without regard to this distinction and advise the Federal Project Officer (FPO) immediately if any issues arise related to the ability to fully comply with any requirement or recommendation listed below.

For each protocol or measure listed, ENMR shall include the following information in its periodic report to the FPO administering the grant:

- a. Specifically where and when the protocol has been used or a measure has been implemented during the reporting period, and
- b. Whether full compliance with the protocol or measure was achieved.

The FPO may, if they determine necessary, require additional information to ensure compliance with the protocol or measure. If, at any time, ENMR has questions or requires clarification regarding any of these protocols or measures, they shall notify the FPO, who will coordinate with the appropriate regulatory authority to provide the necessary information.

Biological Resource Protection Protocols and Measures

ENMR consulted with the U.S. Fish and Wildlife Service (USFWS) and the New Mexico Department of Game and Fish (NMDGF) with regard to potential Project impacts on biological resources. These Endangered Species Act Section 7 consultations resulted in identification of the following requirements and recommendations:

1. ENMR will keep trenching and back-filling crews close together, trench during cooler months (October – March), and avoid leaving trenches open overnight, to reduce potential impacts to wildlife, in accordance with the New Mexico Department of Game and Fish (NMDGF) recommendations.
2. ENMR will comply with the City of Santa Fe's ordinance protecting prairie dogs by directional boring at the median of St Francis Drive and the shoulder of Rodeo Road in Sante Fe.
3. If active bird nests are to be affected by construction, then ENMR is required to coordinate with the USFWS to obtain a permit to move or disturb active nest.
4. ENMR will use directional boring to avoid impacts to the following threatened and endangered species and their habitat: the Pecos sunflower and Wright's marsh thistle. ENMR also will implement a groundwater monitoring plan to ensure that the directional boring is not impacting groundwater or other attributes of the critical habitat.

Historic and Cultural Resource Protection Protocols and Measures

ENMR consulted with the New Mexico and Texas State Historic Preservation Offices (SHPO). Also, through the Tower Construction Notification System (TCNS), NTIA provided information on the Project to tribes with interest in the vicinity of the project. ENMR must abide by all treatment recommendations listed in the NM SHPO concurrence letter (May 4, 2011) and provide the NM SHPO a final report revised to address comments detailed therein.

Project stipulations resulting from these consultations include:

1. ENMR will avoid all historic buildings and structures eligible or of undetermined eligibility by at least 50 feet, by re-routing the fiber lines to the opposite side of the roadways involved, in an effort to avoid potential impacts from vibration. If this is not feasible, then the cable installation near eligible buildings should be by the boring method.
2. ENMR will use direction boring to avoid impacts to historic irrigation ditches.
3. ENMR will move the route to the south side of NM 203 in the vicinity of LA 141960 and LA 141963 to guarantee avoidance of these resources, per NMDOT recommendations.
4. All eligible or undetermined archaeological sites should be avoided by at least 50 feet. When the archaeological site extends to both sides of the roadway, the route through the site should be bored under the centerline of the roadbed to limit the disturbance to previously disturbed road areas
 - a. The following sites will be treated in this manner: LA 169027, LA 109591, LA 168900, LA 105551, LA 105557, and LA 105559.
 - b. In addition, LA 105554 and LA 169026 should be avoided by boring under the road bed or the cable should be placed next to the ROW fence. LA 105555 should be avoided by installing the cable between the bridge and the edge of the road ROW.
5. An archaeologist will monitor all ground-disturbing activities occurring during project implementation within 50 feet

of known archaeological sites or suspected or known burials. Avoidance by less than 50 feet could occur in regard to the following sites, necessitating construction monitoring if it is determined unfeasible to move the cable to the opposite side of the road: LA 168965, LA 168966, LA 169025, LA 124280, LA 134911, LA 152574, LA 153574, LA 111899, LA 159409, LA 159410, LA 134865, LA 169059, LA 168961, LA 32422, LA 135157, LA 152046, LA 156920, LA 125030, LA 105550, and LA 112932.

6. The fiber optic line is installed on the south side of NM 203 in the vicinity of LA 141960 and LA 141963 to guarantee avoidance of site elements.

7. If any cultural material is discovered during construction, the SHPO will be notified immediately and all activities halted until a qualified archaeologist assesses the cultural materials. If any human skeletal remains or protected Native objects are uncovered during construction, construction will stop immediately, and all consulting parties will be contacted.

Other Protection Protocols and Measures

" ENMR and its contractors will prepare a storm water pollution prevention plan (SWPPP) under the National Pollutant Discharge Elimination System (NPDES) of the CWA to establish best management practices to control soil erosion and siltation of waterways.

" ENMR will implement a groundwater monitoring plan (previously developed) in the isolated wetland areas in Santa Rosa, where there is a combination of groundwater and surface water that creates saturated soils.

" ENMR will regrade and reseed state and federal highway ROWs along the Project route with a local seed mix, native to the area, and approved by the NMDOT, as well as follow the NMDOT standard noxious weed control practices for work within their ROWs.

Mitigation Measures identified in the Environmental Assessment as being required to avoid potential significant environmental impacts:

None.